

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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ABRAHAM JACOB WARNER, individually, :
and on behalf of all others similarly situated, :

Case No. 1:18-cv-00406-GLS-ATB

Plaintiff, :

-vs.- :

NOTICE OF MOTION

STARKIST CO., :

Defendant. :

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PLEASE TAKE NOTICE that, upon the accompanying Declaration of Todd S. Garber, Memorandum of Law in Support of Motion for Reconsideration, and all papers previously filed in the above-captioned action, on **May 9, 2019 at 9:00 a.m.**, plaintiff Abraham Jacob Warner (“Plaintiff”), through the undersigned attorneys, will move before the Hon. Gary L. Sharpe, U.S.D.J. of the United States District Court for the Northern District of New York, at the James T. Foley United States Courthouse located at 445 Broadway, Albany, New York 12207, for an Order:

1. Pursuant to L.R. 7.1(g), granting reconsideration of that portion of the Court’s Summary Order dated March 25, 2019 (ECF No. 22) in which the Court determined that Plaintiff abandoned “claims based on allegations that [defendant StarKist Co.] deceived consumers into believing that its products with the [American Heart Association] Health-Check Mark label were healthier than other products.”;

2. Upon reconsideration, reversing this determination;

3. In the alternative, granting leave to replead these claims; and

4. Granting such other and further relief as the Court deems just and proper.

Dated: White Plains, New York
April 8, 2019

s/ Todd S. Garber

Todd S. Garber (Bar Number: 519821)

D. Greg Blankinship (Bar Number: 519819)

Bradley F. Silverman (Bar Number: 700185)

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